



Working Together for Justice



State of New Hampshire
Judicial Branch

Annual Report 2002

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Message from the Chief Justice

To the citizens of New Hampshire, the Governor and Members of the General Court:

The theme of our 2002 Annual Report, "Working Together for Justice," summarizes our continuing effort to provide the citizens of New Hampshire a full and fair measure of justice, within the limits of the resources available to us. I want to personally thank our dedicated court staff and judges for their loyal commitment to the administration of justice, even as the demands on them continue to increase.

We have moved forward in 2002 to improve our case processing systems, accountability procedures, and public outreach. In 2002, at the Supreme Court, we used innovative case management procedures, including our three-judge expedited panels, to eliminate the case backlog. As a result, we announced that beginning in 2003, the Supreme Court will automatically accept all direct appeals from the trial courts. This is a dramatic change from the court's existing system of discretionary review, which has been in place for 24 years.

The newly formed Advisory Committee on Judicial Ethics, which was created to provide guidance concerning judicial



Chief Justice David A. Brock

conduct issues, completed its first full year of operation in 2002. The committee had nine requests for advisory opinions and issued five formal opinions. In 2002, the results of the first performance evaluation of the Supreme Court were released and a formalized and revised process for Superior, District and Probate Court judges was in operation.

We believe that public access to information about the court system helps guarantee equal access to justice for all of our citizens. In 2002, in keeping with our strong commitment to improve public understanding of the judicial branch, we launched a fully redesigned judicial branch website, www.courts.state.nh.us.

Throughout these pages, we have highlighted stories about a day in the life of Nashua District Court. The judges and staff in that community court are but one example of the hard work and dedication you can observe everyday in the courthouses of our state.

Respectfully,

David A. Brock
Chief Justice



The Supreme Court bench

Access to Justice

Improvements in case processing in 2002 led the Supreme Court to announce that for the first time since 1979, it will accept all direct appeals from the state's trial courts, starting in 2003. Chief Justice David A. Brock said this "momentous step" will offer citizens greater access to the state's only appellate court.

Since 1979, the justices have screened all requests for appeals and decided which ones to accept or decline; about 40 percent are currently accepted for full briefing and decision. Under the new system, the screening process will be eliminated for most appeals and the justices will decide the cases based on full briefs, a printed transcript of lower court proceedings and oral arguments when needed.

The growing number of people who come to court without a lawyer—*pro se* litigants—was the topic of study in 2002 by a "Task Force on Self-Representation" chaired by Associate Supreme Court Justice James E. Duggan. In New Hampshire, one party is self-represented in 85 percent of the civil cases in District Court; in almost 70 percent of domestic relations cases in Superior Court at least one party is self-represented; and both sides are self-represented in 38 percent of probate cases. The task force evaluated the impact of *pro se* litigants on the court system and proposed changes to ensure these citizens are treated fairly.

In 2002, the Probate Court began a mediation program to help parties voluntarily settle their differences out of court. To learn more about this and other alternative dispute resolution programs, check the judicial branch website at www.courts.state.nh.us.

New Hampshire's changing cultural diversity has increased the need for



Paulette L. Dumais, Hillsborough County Superior Court, retired



Heidi Boyack, Family Division Administrator

language interpreters at court proceedings, especially in the state's largest urban areas. A Spanish-speaking interpreter is in Manchester District Court everyday; a translator for Bosnian refugees comes once a week. In emergencies, the court uses a "language line" telephone service that provides translations in 146 languages. The court system spent \$110,055 for language interpreters in FY2002, including \$12,917 for services for the deaf and hearing impaired.



The Supreme Court (l-r) Associate Justices Linda S. Dalianis, John T. Broderick Jr., Chief Justice David A. Brock, Associate Justices Joseph P. Nadeau and James E. Duggan

The Supreme Court at a Glance

FY 2002 Caseload Summary

July 1, 2001–June 30, 2002

Pending (as of 6/30/01)	598
Filings	794
Dispositions	917
Pending (6/30/02)	475

How the Court Disposed of Cases

FY 2002

Written Opinion	179
Declined	294
Summary Affirmance	73
Withdrawn	74
Orders After Argument	145
Vacated/Reversed	3
Denied/Dismissed	109
Others	40

A Day in the People's Court

It is 8:30 a.m. in Nashua District Court, in the center of the city. Three judges and the court clerk review the day's case files, the overnight court orders and arrest warrants. The police prosecutor hurries to organize his criminal cases. The court staff readies for eight hours of relentless paperwork, telephone calls, and questions. The line of people waiting to come in the courthouse stretches outside the door.



Court clerk Paulette LeBlanc

"This is a pressure cooker all day, everyday," said Associate Justice Thomas E. Bamberger.

Nashua, one of New Hampshire's busiest District Courts, processed more than 15,000 cases in 2002—landlord-tenant and small claims disputes, requests for domestic violence restraining orders, traffic violations, simple assaults. More than 50 cases are on the docket this day, each of them a short story about a part of life in this community.

Continued on page 6...

Court Services and Facilities

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Programs

In Merrimack and Portsmouth, a new pilot program was initiated to expedite trials for persons charged with driving under the influence of alcohol. Studies show that the sooner treatment is initiated after conviction, the greater the likelihood of rehabilitation.

In 2002, New Hampshire was one of only 11 sites around the country to receive a grant from the Robert Wood Johnson Foundation to improve community-based substance abuse treatment and other services for young offenders, through an initiative called "Reclaiming Futures." State figures show that up to 95 percent of young offenders in juvenile detention in New Hampshire have a serious substance abuse problem.

Education

Judges from all levels of court attended a two-day conference on judicial ethics, including a presentation on enforce-



Sgt. Roland Morin, Dover Police at dedication day, Dover District Court



Judge's bench and clerk's desk

ment of the Code of Judicial Conduct. Superior Court judicial education programs included a two-day conference on evidence and a program on cases involving alcohol and drug addiction. Associate Supreme Court Justice Joseph P. Nadeau and court security manager James F. O'Neil attended a summit in New York City for justice system leaders on post 9-11 security issues in the nation's courts.

Providing a dignified and secure environment

Ground was broken in fall 2002 for a new courthouse facility in Carroll County in Ossipee. The new Dover District Court was dedicated in December serving Dover, Somersworth and Rollinsford; reconstruction was completed on the Jaffrey-Peterborough District Court building, after a devastating fire; renovation was close to completion on a bank building in Newport donated for use as a District Court.

Public Outreach

Hundreds of high school and college students watched the Supreme Court at work during two special sessions of oral arguments at St. Anselm College in Manchester and at Dover High School. After each session the justices and lawyers answered questions from the student audience.

As part of this new public outreach program, volunteer lawyers from the New Hampshire Bar Association visited participating schools in advance and briefed students on the cases to be heard by the court and on the legal issues involved. All formal courtroom protocols were followed at each event. The next session is scheduled in 2003 at Dartmouth College.

The judicial branch launched a newly redesigned, full-color website in December 2002, www.courts.state.nh.us, that contains a number of new features, including a "Student Center" with education resources, a handbook for jurors and a new listing of opinions published by the Advisory Committee on Judicial Ethics. The redesign was conducted by the court's technology and public information offices, with a



Supreme Court law clerk Beth Kula talks with visiting students



Supreme Court oral argument at St. Anselm College

\$2,000 grant from the nonprofit New Hampshire Bar Foundation, which supports efforts to inform the public about the justice system.

A new "Committee on the Judiciary and the Media" (CJM) was established by the Supreme Court to provide a forum for discussion of issues and procedures of interest to the court system and the media. The goal of the CJM, whose members include judges, clerks and members of the media, is to enhance public understanding of the courts. The 16-member committee meets at least twice a year and is co-chaired by Associate Supreme Court Justice Joseph P. Nadeau and David Solomon, editor of the Nashua Telegraph.

School children from around the state tour the Supreme Court building each year. Visitors in 2002 also included two groups of judges visiting from the Vologda region of Russia. Their trips, funded by the U.S. Department of Justice, were coordinated by the New Hampshire/Vologda Rule of Law Partnership Committee, chaired by Superior Court Associate Justice Kathleen A. McGuire.

The Superior Court at a Glance

Type	FY 2002 Caseload Summary				FY 2002 Re-entry* Summary	
	Pending 6/30/01	Filings	Dispositions	Pending 6/30/02	Re-entries	Dispositions
Criminal	8,814	13,089	12,077	9,826	9,950	9,480
Marital	6,339	8,898	8,215	7,022	16,781	15,839
Civil	3,499	4,629	4,292	3,836	2,033	1,896
Equity	2,006	3,393	3,304	2,095	663	621
Juvenile	46	98	76	68	22	17
Total	20,704	30,107	27,964	22,847	29,449	27,853

*A "re-entry" is defined as additional court action in a previously closed case.

The Administrative Council

The Administrative Council meets each month and plays a key role in enhancing communication within the court system. The five-member council is composed of a member of the Supreme Court, the administrative judges of the Superior, District and Probate Courts and the director of the Administrative Office of the Courts. The council members exchange views on policy matters, resolve any concerns, and make recommendations to the Chief Justice and the Supreme Court.

The members are: Associate Supreme Court Justice John T. Broderick Jr.; Superior Court Chief Justice Walter L. Murphy; District Court Administrative Judge Edwin W. Kelly; Probate Court Administrative Judge John R. Maher; and AOC director Donald D. Goodnow.

The District Court at a Glance

FY 2002 Caseload Summary

Type	Pending 6/30/01	Filings	Dispositions	Pending 6/30/02
Criminal	59,852	133,368	128,357	64,863
Juvenile	5,976	6,730	6,415	6,291
Civil	25,579	37,045	35,032	27,592
Total	91,407	177,143	169,804	98,746



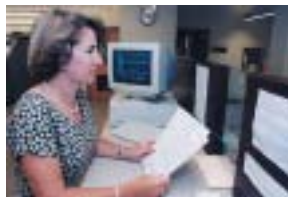
Merrimack County Superior Court judges and staff (l-r), Judge Edward J. Fitzgerald III, Judge Kathleen A. McGuire, Court Clerk William S. McGraw, court supervisor Kellie Otis, former deputy clerk Daniel Lynch, deputy clerk Kathleen McDonald

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Building Public Trust and Confidence

Making the best use of judicial resources was the focus of a 2002 "Judicial Workload Assessment Study." The results will assist the Supreme Court in effectively measuring and predicting the need for judges and marital masters systemwide.

While some court cases are straightforward, others can be expected to go to trial with a number of complex issues requiring expert testimony and significant research time. By using a "weighted caseload" system, court administrators can manage the workload more effectively and assign judges and marital masters to those court sites with the greatest need. It also enables court administrators to predict where judges and marital masters will be needed in the future based on current demographic and caseload trends. The National Center



Karen Groetz, Rockingham Probate



Nashua District Court

for State Courts will help evaluate the results of the workload assessment study.

Also in 2002...

- The Supreme Court justices, participating in a performance evaluation for the first time, were rated "very good" by lawyers and litigants.
- Revised evaluation procedures for Superior, District and Probate Court judges were in place to improve accountability for judicial performance.
- The National Center for State Courts, in the first operational review of the Supreme Court, cited improvements in institutional procedures, case management and use of staff resources.
- The Supreme Court adopted a new rule that requires lawyers to disclose limits on their legal malpractice insurance to potential and existing clients.

Protecting the Community

In Courtroom #2, Judge Thomas Bamberger has a long list of criminal cases to hear: shoplifting, driving after revocation, drinking in public, harassment, assault, disorderly conduct.

The courtroom is packed and court security officer Lance Walton asks the restless crowd to keep it down. At one point, a man with an alcohol problem, accused of battery, pleads with Bamberger to reunite him with a woman and a little girl who are standing nearby. As the woman wiped away tears, court officer Walton handed her a tissue.

"I am like their family," the man explained. But Bamberger, noting the man had not started a batterers'



Associate Justice
Thomas E. Bamberger



Court staff at work

treatment program, decides to keep the order to stay away in place. "I have an obligation to make sure everybody is safe," the judge said.

After lunch, Bamberger moves to a closed courtroom to hear juvenile cases, where drugs are often involved. Nashua has a "Juvenile Drug Court" with a case manager who works closely with the most serious abusers, their parents, teachers and community groups.

"Drug court is for kids who are in the deep end," Bamberger said. "These young offenders are fortunate to be part of the program, although they may not know it yet," the judge said.

Continued on page 8...

Administrative Office of the Courts

From the Director:

Budget constraints presented difficult challenges for the court system in 2002. To stay within our appropriation, the judicial branch curtailed expenses in many areas, resulting in reduced services to New Hampshire citizens. More than 40 non-judicial positions were left unfilled; jury trials were suspended for four months; District Court session days were reduced.

Staff shortages in some courts resulted in significant delays in processing court orders, seriously impacting individuals, families and children whose lives are affected by court decisions. Some courts have reduced hours of operation and limited telephone access to the clerk's office so that staff can concentrate on processing court orders. As long as staff positions



AOC staff members (l-r),
Kathy Gelinas and Bonnie Cook



Operations manager
Jeffrey D. Smith

remain vacant, however, backlogs will continue in some courts.

In 2002, we were able to upgrade computer hardware and software in New Hampshire's 66 courts through a special legislative appropriation. In the Supreme Court, a new case management system has been installed which includes modern electronic management tools. At the trial court level, work is underway to select a case management system to meet information needs of litigants, staff, and judges.

We will continue to work hard to guarantee access to justice for all New Hampshire citizens, within the fiscal restraints of state government today.


Donald D. Goodnow

Fiscal Overview 2002

The Judicial Branch relies upon funds appropriated by the legislature for the operations of its courts. For FY 2002, the state legislature appropriated \$59,681,626. Total expenditures for FY 2002 were \$56,249,344.

Most of the revenue generated by the court system is returned to the general fund or designated to help finance other state agencies and programs, such as the Police Standards and Training Council and the Victim's Assistance Fund.

Judicial Branch Expenditure Summary

FY 2001 and FY 2002

Category	FY 2001	% of Total	FY 2002	% of Total	% Change '01-'02
Superior Court	\$16,776,726	31.7%	\$17,656,717	31.4%	5%
District Court	13,372,387	25.2%	13,375,781	23.8%	0%
Facilities (transfer to Other State Agencies)	6,269,870	11.8%	6,665,307	11.8%	6%
Supreme Court	5,718,213	10.8%	6,736,141	12.0%	18%
Probate Court	3,767,133	7.1%	3,854,058	6.9%	2%
Court Security	3,016,263	5.7%	2,799,601	5.0%	(7%)
Family Division	1,903,547	3.6%	2,027,914	3.6%	7%
Statewide Expenditures	1,017,605	1.9%	1,253,080	2.2%	23%
Other*	1,146,614	2.2%	1,880,745	3.3%	64%
Total	\$52,988,358	100.0%	\$56,249,344	100.0%	6%

*Other includes workers' compensation, revolving funds for training materials and publications, default fees, grants, and facility escrow.

Judicial Branch Revenue Distribution Summary (FY 2002)

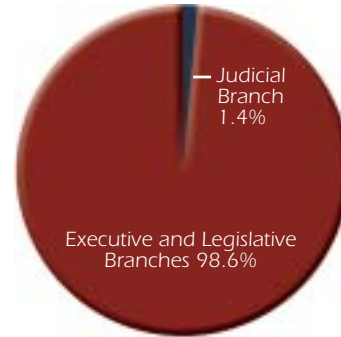
Distributions	Amount	Percentage
General Fund	\$14,802,584	80.1%
Police Standards and Training (RSA 188-F:31)	1,560,180	8.4%
Grants Received	642,119	3.5%
Victim's Assistance Fund (RSA 188-F:31)	482,486	2.6%
Guardian ad Litem Fund (RSA 458:17-b)	295,176	1.6%
Facility Escrow Fund (RSA 490:26-c)	238,538	1.3%
Default Fees (RSA 597:38-a)	103,878	0.5%
Court Transcription	180,000	1.0%
Default Bench Warrant Fund (RSA 597:38-b)	85,075	0.5%
Revolving Funds	70,919	0.4%
Highway Fund	19,061	0.1%
Total	\$18,480,016	100.0%

Additional Funding

Funding Agency	FY 2001	FY 2002
NH Dept. of Justice	\$314,827	\$325,452
State Justice Institute	31,408	21,711
US Dept. of Health & Human Services	136,273	106,461
US Dept. of Justice	28,262	262,532
Annie E. Casey Foundation	15,000	42,000
US Dept. of Energy	46,692	3,000
Einstein Institute for Science Health & Courts	25,000	
Grafton County Human Services		500
NH Highway Safety Agency		1,002
NH Division of Alcohol & Drug Abuse (HHS)	600	122,498
Robert Wood Johnson Foundation		100,000
Total Funds from Non-State Sources	\$598,062	\$985,156

State of New Hampshire Appropriations

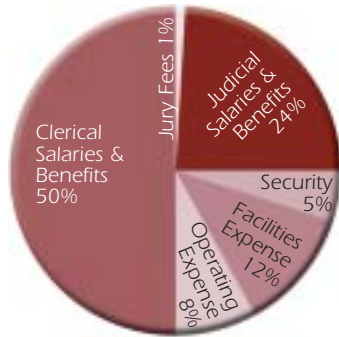
(for FY 2002)



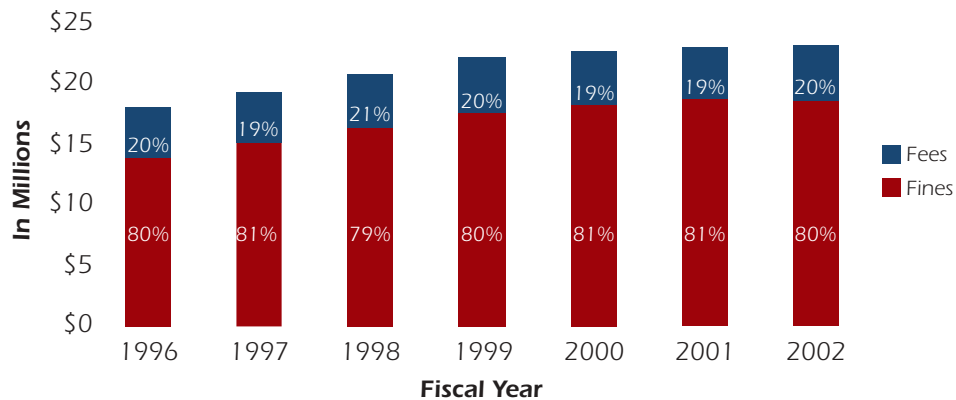
The budget for the Judicial Branch represents 1.4 percent of the total state budget.

Expenditures System-wide

(for FY 2002)



Revenue Collected by the Courts for the State's General Fund



Nashua District Court

Watching the Schedule

Civil litigants in District Court—most of whom don't have lawyers—are reminded, in writing before trial, that they must make copies of their papers if they want to present their case. Otherwise, court sometimes comes to a halt, as it did in a landlord-tenant case before Judge Philip Howorth. A recess was called. There were mumbles in the courtroom from others who had been waiting for their case to be called.

At times like this, clerk Paulette LeBlanc circulates around the



Court security officer Lance Walton

courthouse, rescheduling cases and getting other judges to help out so the docket is cleared by closing time, 4 p.m. To LeBlanc, the number one job is paying attention to the court schedule.

"The message is out there, to the public, lawyers, and law enforcement," she said. "We want everyone's needs to be taken care of efficiently and fairly, and we look at that everyday."

Continued on page 10...

Keeping Courthouses Safe

A special \$550,000 legislative appropriation in 2002 made it possible to place a court security officer in every District Court. The added security in the District Courts, which handle highly emotional issues involving domestic violence, abuse and neglect of children, and juvenile offenders, creates a safer environment for judges, court staff and the public.

Court security officers continue to receive specialized training that includes weapons screening, identification, facility surveillance, handling bombs and bomb threats and detection. In 2002, the judicial branch trained 85 new court security officers.

Following the tragedy of Sept. 11, 2001, the judicial branch, in cooperation with the N.H. Fire Academy, sponsored six regional training sessions on types of terrorism, safety precautions and controlling terrorist incidents.

Transition

Timothy Vaughan of Littleton was sworn in as an Associate Justice of the Superior Court in December 2002, following the retirement of Judge Philip S. Hollman. Judge Hollman had served on the court for 17 years.

Joining the District Court in 2002 were Peter H. Bornstein, Berlin and Gorham; John J. Yazinski, Claremont; Jennifer Sobel, Haverhill, Lancaster and Littleton; Lawrence A. MacLeod, Jr, Lebanon; James H. Leary, Nashua; Daniel M. Cappiello, Rochester, and Paul S. Moore, Milford.

Larry B. Pletcher stepped down after serving 20 years as a marital master. In January 2003, the judicial branch mourned the passing of former Associate Supreme Court Justice Maurice P. Bois who served on the court from 1976-1983.



Dedication day, Dover District Court

The Probate Court at a Glance

FY 2002 Caseload Summary

Type	Pending 6/30/01	Filings	Dispositions	Pending 6/30/02
Estates/Trusts	6,870	5,616	5,625	6,861
Adoption & Related Issues	454	822	757	519
Guardianship— Adult/Minor	7,288	1,629	1,275	7,642
Involuntary Admission	71	374	385	60
Equity	99	162	124	137
Other	167	1,349	1,275	241
Total	14,949	9,952	9,441	15,460

The Family Division at a Glance

FY 2002 Caseload Summary

Type	Pending 6/30/01	Filings	Dispositions	Pending 6/30/02
Adoption	127	226	194	159
Domestic Violence	402	1,851	1,811	442
Guardianships	554	281	186	649
Juvenile	1,555	2,117	1,957	1,715
Marital	1,419	2,633	2,608	1,444
Termination of Parental Rights	99	86	51	134
Total	4,156	7,194	6,807	4,543

Recognizing Contribution and Commitment

Judges and staff throughout the state were honored in 2002 for their dedication to justice and to the work of the court system.

Associate Supreme Court Justice **James E. Duggan** received the Frank Rowe Kenison Award from the New Hampshire Bar Foundation, recognizing his many years of service to the justice system as a public defender and law professor before he joined the court.

Associate Supreme Court Justice **Joseph P. Nadeau** received the "President's Award" for his contributions to the programs and services of the New Hampshire Association of Counties.

Chief Justice **David A. Brock**, Associate Justice **John T. Broderick Jr.**, Associate Justice **Linda S. Dalianis** and Associate Justices **Nadeau** and **Duggan** received the Justice William A. Grimes Award for Judicial Professionalism from the New Hampshire Bar Association.

Judge **H. Philip Howorth**, the presiding justice of the Nashua District Court since 1984, received the "Dr. Roger M. Fossum Award" at the 10th Annual N.H. Attorney General's Conference on Child Abuse and Neglect for his outstanding commitment to improving services for vulnerable children.

Administrative Judge **John R. Maher** of the Probate Court was honored for outstanding leadership as president of the National College of Probate Judges.

Chief Justice **Brock** visited six courthouses around the state in 2002 to present the "Spirit of the Judiciary Award" to employees cited for exemplary service. The recipients were **Gail Richards**; **Terrena O'Connor**; **Patricia Paquette**; **Marjorie Lang**; **Kellie Otis**; and **Paulette Dumais**.

Court system employees with 25 or more years of service were honored by



(l-r), Regina Bilodeau, Manchester District Court, Lu Ann Gero, Derry District Court clerk, Noreen Bean, Superior Court Center



David S. Wajda, Salem District Court clerk

the Supreme Court for their long commitment to the administration of justice.

They are **Carol A. Belmain**; **Donna R. Craig**; **Irene A. Dalbec**; **Gary Fowler**; **Noreen Bean**; **Lu Ann Gero**; **Darlene A. Dolloff**; **Regina Bilodeau**; **David S. Wajda**; **Irene A. Ray**.

Employees previously honored who are still active in the judicial branch are **Mabel Wheeler**; **Sandy Wentworth**; **Jeffrey Smith**; **Donna Young**; **Thomas Edwards**; **Kathleen Gelinis**; **James Brickner**; **Suzanne Saltmarsh**; **Paulette Asselin**; **Christine Chakas**; **Raymond Taylor**; **Sandra Poitras**; **Jean Huntoon**; **Diane Hufstader**; **Estelle Dearborn**; and **Diane Davis**.

Nashua District Court

Ready for the Next Day



Serving the public



Juvenile Probation and Parole Officer Brady Serafin

The courthouse was quieter by afternoon. Judge **Bamberger** reviewed the next day's juvenile cases and Judge **Howorth** had finished his docket, after the case with the copying delay was rescheduled. Despite a few "monkey wrenches," clerk **Paulette LeBlanc** said, the day's job had been done.

The next morning, it would begin again. There would be a new list of overnight arrests and new lists of criminal, civil and juvenile cases, paperwork, ringing telephones and citizens waiting at the courthouse door wanting to pay a fine or explain why they ran a red light.

Just another routine day, in a place where nothing is ever routine.

Contacts with the Courts

For more information about the State of New Hampshire Judicial Branch check out our website at www.courts.state.nh.us. You'll find detailed descriptions there that will help direct you to the right place to find answers to your questions.

Administrative Office of the Courts

Two Noble Drive
Concord, NH 03301
(603) 271-2521

Supreme Court

One Noble Drive
Concord, NH 03301
(603) 271-2646

Superior Court

Superior Court Center
17 Chenell Drive, Suite 1
Concord, NH 03301
(603) 271-2030

District Court

Administrative Office
32 Clinton Street
Concord, NH 03301
(603) 271-6418

Probate Court

Administrative Office
10 Route 125
Brentwood, NH 03833
(603) 642-5437

Family Division

Administrative Office of the Courts
Two Noble Drive
Concord, NH 03301
(603) 271-2521



Judge John A. Korbey Presiding Justice, Salem District Court



(l-r), Supreme Court deputy clerk Carol A. Belmain, Irene A. Dalbec, secretary for associate justices



James Brickner, manager, Administrative Services



Linda Jewett, receptionist, Administrative Office of the Courts



Gary Fowler, Court Services Representative



Published by
The State of New Hampshire
Judicial Branch
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2,500 copies of this Annual Report were produced and printed for \$3,725.

Photos on the front cover (from top):

John M. Safford, clerk, Hillsborough County Superior Court, Northern District;
(l-r), Diane M. Davis, Sullivan County probate register, Terrena L. O'Connor, deputy register;

Superior Court Chief Justice Walter L. Murphy;

Carroll County Superior Court deputy clerk Gail M. Richards;

Jason Jordanhazy, senior security officer, Supreme Court